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# Will We Ever Harness Our Rogue Agency?

The CIA doesn't lie, it just won't tell you your coat's on fire unless you ask

By George Lardner Jr.

JUST EIGHT YEARS ago, on April 26, 1976, the Senate Intelligence Committee headed by the late Frank Church (D-Idaho) concluded a remarkable investigation of the nation's foreign intelligence activities with a heavily censored report on the wasteful spending and questionable operations they so often entailed.

There was a lot of brave talk on Capitol Hill and in the Carter-Mondale campaign at the time about the need for a comprehensive legislative charter for the intelligence community, a new rule of law to cure the "secret practices that have eroded the processes of open democratic government," as the Church committee put it.

Instead, it took Congress four years, until 1980, simply to oblige the CIA, by law, to keep the by-now-permanent House and Senate Intelligence Committees "fully and currently informed of all intelligence activities." As for covert actions, the committees were, as a general rule, to be notified, in general terms, before they were initiated. In turn, Congress agreed to scuttle an older law that the CIA had always bemoaned, requiring the notification of other, potentially more obstreperous committees in addition to the intelligence panels.

In fact, the battle for candor has always been an unequal one, as the current furor over the mining of Nicaraguan harbors attests. CIA officials like to bill themselves as dutiful citizens, bound by the rigors of the law, but in fact, the agency has never been dedicated to genuine compliance with any measure meant to control it. It operates on a much more corrosive principle. It trims, it skirts, it looks for loopholes.

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The absurdities of the debate over U.S. backing for the Nicaraguan *contras* and their guerrilla warfare offer one example. Members of the House Intelligence Committee secured passage not long ago of a law stating that no U.S. funds could be used "for the

purpose of overthrowing the government of Nicaragua." The straight-faced reply of the CIA and the Reagan administration has been that that is not our purpose, even if it is the *contras*. And so the funds have continued to flow.

"Probably no other organization of the federal government has taken such liberties in interpreting its legally assigned functions as has the CIA," Harry Howe Ransom, a leading scholar in the field, has written. It is an observation that cannot be stated often enough. The agency's foot-dragging in reporting its offshore control of Nicaraguan mining operations offers yet another example. CIA Director William Casey, the episode shows, is not in the habit of volunteering information, the Intelligence Oversight Act of 1980 notwithstanding.

It's been said that "Casey wouldn't tell you if your coat was on fire — unless you asked him."

"If you ask me the right question, I will respond," the director himself has been quoted as saying. This, of course, is the same Bill Casey who assured the Senate Intelligence Committee at his 1981 confirmation hearing: "I intend to comply fully with the spirit and the letter of the Intelligence Oversight Act. I intend to provide this committee with the information it believes it needs for oversight purposes."

And this, of course, is the same CIA that blithely asserted in a public statement a few days ago: "Mr. Casey believes the record will reflect that he and his staff have kept that pledge. . . . From December 1981 through March 1984, either the director or the deputy director briefed the congressional committees 30 times on Central America. . . . Since the first of this year, the subject of mining of Nicaraguan ports has been discussed with either members or staffers of the committees and other members of Congress 11 times."

That begs the question of how extensive the discussions were, of whether the committees were "fully and currently informed."

According to Sen. Daniel P. Moynihan (D-N.Y.), who plans to resign as vice chairman of the Senate committee in protest, Casey mentioned the word "mines" once in the course of a two-hour meeting March 8 and once again March 13, both

times as part of a "singularly obscure sentence."

One lesson to be learned from all this is that the House Intelligence Committee headed by Rep. Edward Boland (D-Mass.) does a far better job of oversight than the senators. House members and staffers, sources say, knew last October of the CIA "mother ship," and its early role in a raid last fall on the Nicaraguan port of Corinto. It learned in January of the CIA supervision of the mining of Puerto Sandino. But only by persistent questioning.

The committee started asking about things like "mining" as long ago as last June. It never got an inkling of the operation until after the fact. The committee has always had to "pull teeth" to find out what the CIA was doing, even when Stansfield Turner was director during the Carter years. And lower-level CIA officials have been even more exasperating than Casey.

In short, the CIA is not complying with the spirit and the letter of the oversight statute and it never has. Congress has a right to be "fully informed," not a duty to ask the right questions. But the oversight committees have let the habit set in.

Ever since Frank Church, who died this month, closed down his investigations in 1976, his Senate colleagues have been unctuously bowing and scraping to the CIA — to win the agency's "trust." Having uncovered all those peccadilloes, the good senators were afraid the CIA would stop talking to them altogether. And their counterparts in the House, headed by Rep. Otis Pike (D-N.Y.), were brought to heel by what happened to their widely leaked report. The House voted to suppress it. Remember?

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